RECENT IMPORTANT DECISIONS.

ADVERSE POSSESSION—ACQUISITION OF RIGHTS BY PRESCRIPTION—RAILROAD RIGHT OF WAY.—Defendant company was compelled by statute to discontinue all grade crossings in the city of Philadelphia, and as a result elevated its railway, in doing which it was found necessary to use its entire right of way. Plaintiff had constructed a brick building, one corner of which extended over this right of way. Defendant removed this corner and plaintiff brought trespass, claiming title to the land on which her building was situated, on the grounds of continued adverse possession for more than 21 years. *Held,* that the right of way was not subject to loss by adverse possession, and plaintiff had acquired no interest therein. *Conwell* v. *Phil. & R. R. Co.* (Penn. 1913), 88 Atl. 417.

The court based its decision on the ground that the right of way becomes impressed with a public use as soon as acquired, and is held in trust for the public. Probably the weight of authority is to the effect that such railroad rights of way may be taken by adverse possession, except that some cases make a distinction between rights of way acquired by eminent domain or by purchase and those acquired by public grant, there being more reason for calling the latter a public trust than the others. In accord with the principal case are, *Southern P. R. Co.* v. *Hyatt,* 132 Cal. 240, 54 L. R. A. 522; *McLucas* v. *St. Joseph & G. I. R. Co.,* 67 Neb. 603, 93 N. W. 928; *Reading Co.* v. *Seip,* 30 Pa. Super Ct. 330; *Carolina Cent. R. Co.* v. *McCaskill,* 94 N. C. 746. *Contra, Northern Pac. R. Co.* v. *Ely,* 25 Wash. 384, 65 Pac. 505; *Donohue* v. *Ill. Cent. R. Co.,* 165 Ill. 640, 46 N. E. 714; *Pittsburg, etc. R. Co.* v. *Stickley,* 155 Ind. 312, 58 N. E. 192; *Pollock* v. *Maysville, etc., R. Co.,* 103 Ky. 84, 44 S. W. 359; *Paxson* v. *Yazoo, etc. R. Co.,* 76 Miss. 536, 24 So. 536; *Alexander-City Union Warehouse & Storage Co.* v. *Cent. of Ga. R. Co.* (Ala. 1913), 62 So. 745. Some courts, while professing to follow the rule that title in a railroad right of way can be acquired by prescription, have evaded it to a certain extent by holding that mere usage for agricultural purposes and the like was not adverse so long as the land was not needed for actual occupancy by the railroad company. *Va. & S. W. R. Co.* v. *Crow,* 108 Tenn. 17; *Northern Counties Invest. Trust* v. *Enyard,* 24 Wash. 366. The question has also been settled by statute in some states. *Littlefield* v. *Boston & A. R. Co.,* 146 Mass. 268; *Costello* v. *Grand Trunk R. Co.,* 70 N. H. 403; *Drouin* v. *Boston & M. R. Co.,* 74 Vt. 343, 52 Atl. 957.

BILL AND NOTES—CORPORATION'S LIABILITY FOR DRAFT EXECUTED BY PRESIDENT.—Where a draft was signed by one describing himself as "President" without further reference to a principal, but at the time of the transaction the true obligor was known and was intended by both parties to be bound, *Held,* parol evidence is admissible, in an action by the payee, to show who the principal was and that he was the real obligor. *Ocilla Southern R. Co.* v. *Morton* (Ga. App. 1913), 79 S. E. 480.